

HUMAN SERVICES DEPARTMENT[441]

Amended Notice of Intended Action

Pursuant to the authority of Iowa Code section 249J.24, the Department of Human Services proposes to amend Chapter 92, "IowaCare," Iowa Administrative Code.

Notice of Intended Action for an amendment to streamline procedural requirements for applying for the IowaCare program was published in the Iowa Administrative Bulletin on November 16, 2011, as **ARC 9842B**. The Department is amending the Notice to add another procedural change for the IowaCare program relating to hardship requirements.

New Item 2 removes language about determining the timeliness of a hardship request using the postmark on the envelope and replaces it with a timeliness standard of receipt by five working days after the premium due date. In automating the reading of the premium payment submissions, the Department will face higher expenses if the envelope must be imaged in addition to the premium payment form.

Additionally, a significant percentage of the postmarks are illegible, and it is expected that this percentage will increase with document scanning. In those cases, the member may be disadvantaged by the current rule, which counts the request as of the receipt date but does not allow any time for mailing. The Department has determined that allowance of five working days for mail receipt is adequate to allow for weekends and holidays. Also, evidence of the date of receipt will be more reliable than evidence of the mailing date.

Any interested person may make written comments on the proposed amendments on or before December 20, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because the amendments eliminate a requirement for the persons affected.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 249J.

The following amendments are proposed.

ITEM 1. Amend subrule 92.3(1) as follows:

92.3(1) An application for IowaCare may also be submitted on Comm. 239, IowaCare Application, or Form 470-4364, IowaCare Renewal Application. An applicant who submits an application on another form allowed under 441—76.1(249A) and has income over 150 percent of the federal poverty level shall also sign Form 470-4194, IowaCare Premium Agreement, and submit it within ten days of the department's request.

ITEM 2. Amend subrule 92.7(3) as follows:

92.7(3) Hardship exemption. A member or household that submits a written statement indicating that payment of the monthly premium will be a financial hardship shall be exempted from premium payment for that month, except as provided in paragraph "c."

a. If the statement is not ~~postmarked~~ received by five working days after the premium due date, the member or household shall be obligated to pay the premium.

a. b. ~~A partial payment~~ If the statement is timely submitted with a ~~written statement indicating that full payment of the monthly premium will be a financial hardship that is postmarked or received on or before the end of the month for which the premium is due shall be considered a request for a hardship exemption. The partial payment,~~ exemption shall be granted for the balance owed for that month.

b. ~~If the postmark is illegible, the date that the hardship declaration is initially received by the department or the department's designee shall be considered the date of the request.~~

c. A member or household shall not be exempted from premium payment for a month in which the member misrepresented the household's circumstances.